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Held at the Palais Wilson, Geneva, on Wednesday, 10 October 2018, at 10 a.m.

Chair: Ms. Waterval (Rapporteur)

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fifth periodic report of the Sudan (*continued*)

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In the absence of Mr. Shany, Ms. Waterval (Rapporteur) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fifth periodic report of the Sudan (*continued*) (CCPR/C/SDN/5; CCPR/C/SDN/Q/5; and CCPR/C/SDN/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

2. **Mr. Dugdug** (Sudan) said that, under the National Human Rights Commission Act, the Commission had a mandate to receive and examine complaints from individuals and civil society organizations concerning human rights violations, carry out investigations and take the necessary steps in response to its findings, including making recommendations to the authorities and calling for an immediate end to the violations.

3. **Mr. Eltahir** (Sudan) said that the allegations concerning the persecution of Christian religious leaders were unfounded. Regarding the specific case of Petr Jasek, in mid-2014 he had met with rebel leaders in the region of South Kordofan and provided them with vehicles and weapons. He had returned to the Sudan at the end of 2015, arriving at Khartoum airport on a tourist visa, where he had again met with representatives of rebel movements. The main objective of his visit had been to fabricate allegations about acts of genocide and torture of civilians and about the demolition of churches. He had been unable to obtain the documentation necessary to substantiate his allegations because no churches had been destroyed. Some religious chiefs and rebels in Khartoum had introduced him to a student who they claimed had been tortured for having converted to Christianity. Mr. Jasek had published photographs of the student and discussed his case at conferences outside the country in order to damage the reputation of the Sudan. The two other individuals mentioned in the list of issues — Hassan Abdelrahim Tawor and Abdulmonem Abdumawla — were not in fact Christians but Muslims. Mr. Abdumawla was a member of the rebel movement in Khartoum and was the person who had introduced the student to Petr Jasek. Those facts had all been acknowledged in court, and the actions in question thus constituted incitement to hatred and violence, which were crimes under Sudanese and international law. The individuals concerned had been represented by legal counsel at all stages of the proceedings, and their public trial had been attended by representatives of international organizations and diplomatic missions in the Sudan. Following the conviction and sentencing, the President of the Sudan had granted an amnesty to the prisoners, including Petr Jasek.

4. **Ms. Abdelhalim Ahmed** (Sudan) said that the Criminal Code set out the penalties for persons who performed female genital mutilation when that procedure resulted in a child's death. There had been a case of a 2-month-old girl who had died during the operation. Under the Personal Status Code, the performance of any surgical operation conducted outside a medical establishment on non-medical grounds, including female genital mutilation, was a criminal offence. The Sudanese Medical Council had issued a decision prohibiting all doctors from practising female genital mutilation and, in one case, a doctor had been stripped of his medical degree pursuant to that decision. A number of midwives had also been punished and had had their equipment kits confiscated. Projects were being run to develop alternative sources of income for traditional practitioners of female genital mutilation. With the support of the United States Embassy, a medical centre in Khartoum was offering reconstructive cosmetic surgery for women who had undergone female genital mutilation.

5. A marriage was not legally valid if the woman did not give her consent. The girl's or woman's guardian could not substitute for her, and a court representative must register the marriage. Under proposed amendments to the Personal Status Code, all of a woman's rights, including her rights in the event of divorce, would be set out in the marriage contract.

6. **Mr. Mustafa Ahmed** (Sudan) said that the President of the Republic appointed the Chair of the National Human Rights Commission as an act of sovereignty rather than in his capacity as chief of the executive branch. The eligibility requirements for members of the Commission included having the necessary integrity and competence, and they could not be affiliated with any political party. Members of the Commission could not be dismissed arbitrarily or at the discretion of the President.

7. **Mr. Dugdug** (Sudan), responding to questions raised by Mr. Heyns, said that, although the judges of the Constitutional Court, Supreme Court and other courts were appointed by the President of the Republic, the Sudan respected the differing opinions and practices of other States in that regard. The appointment process was based on strict criteria, and judges retained their independence and carried out their work on the basis of the Constitution and the laws of the country. The National Human Rights Commission was headed by a woman, and its composition was also balanced in geographic and religious terms. The case of Petr Jasek had now been closed: following the presidential amnesty, he had left the country by plane in the company of the Minister of Foreign Affairs of his home country.

8. **Mr. Muhumuza** said that he would welcome further information on the cosmetic surgery available to women who had undergone female genital mutilation. While it was commendable that some practitioners of female genital mutilation had been disbarred and had had their certificates withdrawn, he wondered what was being done with respect to unofficial traditional practitioners who did not have any certificates.

9. Having noted that the penalty of amputation provided for in the Criminal Code had not been applied since 1991, he would welcome clarification as to whether there was actually a clearly established moratorium on the application of that punishment and whether there were plans to remove it entirely from the statute books. He would appreciate a detailed update on the status of the draft Criminal Code and would like to know whether sentences involving corporal punishment could be imposed on child offenders. He would also be interested to know more about the State party's position on adultery and to learn whether the penalties of stoning or lashing set out in article 146 of the Criminal Code were in use and what constituted "indecent attire" for men and women under article 152 of the Criminal Code.

10. He would like additional information on exactly how the problems of inadequate health care, lack of access to water and sanitation, and violence directed at detainees were being addressed in the country's correctional facilities and how effective those efforts had been. He would be interested to hear more about the model that was being applied in Al-Huda Correctional City, which was said to be based on the latest penal and correctional methodologies, and in what ways it would improve conditions for inmates. He would appreciate further clarification on the measures being taken to prevent the internal displacement of persons and on the parameters of the national policy for internally displaced persons developed by the Humanitarian Aid Commission. The delegation might also comment on reports that internally displaced persons and poor households in areas controlled by armed non-State actors continued to face significant food consumption gaps due to the denial of humanitarian access by the State party.

11. He would welcome information on what was being done to prevent the abuses allegedly committed by the security forces against civilians and on disciplinary or prosecutorial measures undertaken by the State party in that connection. He would appreciate statistical data on victims of trafficking and a detailed description of the services offered to them, including medical and psychological assistance. He would also like the delegation to comment on the definition of trafficking used in the Anti-Human Trafficking Act of 2014, which some experts felt was not fully in line with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Concern had also been expressed about the fact that the law provided for the death penalty for nine aggravated trafficking offences. Given that officials were apparently widely involved in trafficking and other illicit activities, he wondered whether steps were being taken to revise the legal provisions that granted immunity to law enforcement agents and

army personnel and to investigate and punish officials who perpetrated or were complicit in such crimes.

12. **Mr. Heyns** said that he would welcome clarification as to whether the death penalty was the mandatory punishment for murder, armed robbery, robbery, drug trafficking, adultery and apostasy. If the penalties of stoning and amputation were not imposed in practice, then he wished to urge the State party to remove them from the statute books, as their inclusion sent a message to society that such punishments were acceptable. Concerning the issue of immunities, he wondered whether a sitting or former president suspected of having committed crimes, especially ones that were offences under international law, could be prosecuted in the Sudanese justice system. He would be interested in learning more about the State party's position on the indictment of President Al-Bashir by the International Criminal Court for crimes against humanity, war crimes and genocide and on the indictment of Heads of State generally. He would welcome updated information on the investigations into the killings of Abubakar Hassan Mohamed Taha during the university elections in El Obeid, North Kordofan, and of Mohamed Al-Sadiq in clashes on campus between pro-Government and opposition students, both in April 2016. He would also like the delegation to respond to reports of restrictions being placed on public meetings of opposition parties, including instances in 2018 in which the National Intelligence and Security Services had prevented the Republican Party from marking the anniversary of the execution of its founder.

13. **Mr. Politi** said that he wished to know if any action had been taken to comply with the recommendation in the Committee's 2014 concluding observations (CCPR/C/SDN/CO/4) in which it had called on the authorities to ensure that police officers and security personnel carried out their activities in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other human rights standards. He remained concerned about reports that the excessive use of force persisted, with live ammunition, tear gas and rubber bullets still being used against protestors and causing numerous deaths and injuries. He would be interested to know whether effective and independent investigations were conducted in cases where protestors were killed or injured at the hands of security forces, which provisions of domestic law governed the actions of law enforcement officials dealing with mass demonstrations and to what extent those provisions reflected international human rights standards. Could the delegation provide information about any non-violent means that were employed before resorting to the use of force and about any measures that were in place to ensure restraint and/or the exercise of force commensurate with the offence and the objective to be achieved? He would be interested to learn about any training that was provided on the use of force and firearms and whether or not law enforcement officials were also issued non-lethal incapacitating weapons.

14. The Committee was particularly concerned about incidents that had occurred in September and October 2013, when a crackdown against anti-austerity protestors had allegedly left more than 170 people dead and many others injured. He understood that no independent investigation had been conducted into those incidents but that they had been looked into by three State commissions of inquiry. He hoped the findings of those commissions could be made available to the Committee. In addition, he wished to ask the delegation to provide statistics, disaggregated by sex and age, on the exact number of persons killed, to explain the causes of death, to specify how many officials had been investigated, prosecuted and convicted for their involvement in the incidents and to provide information about any reparation made available to victims' families.

15. There seemed to be no indication that the Government intended to repeal provisions in the National Security Act, the Police Act and the Armed Forces Act that granted immunity from prosecution to security officials. Although such immunity could be — and seemingly often was — lifted when State agents were suspected of having committed an offence, he would appreciate more detailed information on the exact nature of the procedures involved. Could victims submit a request for the withdrawal of immunity, or was that the prerogative of superior officers? If such requests could be made, on what basis were they accepted or rejected? If immunity was withdrawn, which court was competent to conduct the proceedings? He would be interested to know what types of actions on the part

of security officials would be considered to amount to human rights violations, to which their immunity apparently did not apply. Did such actions include torture, ill-treatment, excessive use of force and arbitrary detention? He would also like to invite the delegation to provide more details about the immunity enjoyed by the Head of State. Did it extend beyond the end of his mandate and did it, too, exclude human rights violations?

16. Under a 2013 amendment to the Armed Forces Act, civilians could apparently be tried before military courts for a series of vaguely defined offences such as "disseminating false news" or "undermining the constitutional system". He was concerned that those provisions seemed to be routinely used to prosecute political opponents. Could the delegation inform the Committee whether those provisions were fully enforced, how many such cases had been brought before the military courts and what the outcomes of those cases had been?

17. **Mr. Ben Achour** said that he remained concerned about the use of arbitrary arrests and prolonged detention without charge or trial. In particular, the Committee had received reports of persons being held in what was called "administrative detention", a practice that seemed to be applied predominantly against opposition figures. He wished to know to what extent the guarantees enjoyed by persons in detention, as set forth in article 51 of the National Security Act, also applied to those held in administrative detention. Under the Code of Criminal Procedure, suspects could be held in detention for between 24 hours and 14 days, while article 50 of the National Security Act provided for detention for up to 4 and a half months. He failed to understand how those provisions were consistent with articles 9 and 14 of the Covenant or paragraph 33 of the Committee's general comment No. 35, according to which no one should be detained without judicial review for a period in excess of 48 hours. Could the delegation explain whether the Government had any plans to review its national legislation in that regard? He was particularly interested in any plans to amend the National Security Act, which the Committee had already highlighted as a source of concern in its 2014 concluding observations on the State party's fourth periodic report.

18. Another area of continuing concern was that of freedom of conscience and religious belief in law and in practice. Although the Criminal Code did not prohibit the renunciation of Islam in and of itself, it provided for the imposition of the death penalty for any public proclamation or open declaration of such a renunciation. The problem lay in the fact that the terms "public proclamation" and "open declaration" were imprecise and open to a wide degree of interpretation. Moreover, such a provision entailed a self-evident violation of freedom of expression, for what was expression if not "public proclamation" and "open declaration"? Modern Sudanese history included instances of persons who had been sentenced to death for apostasy, including Meriam Ibrahim in 2014, although she had eventually been acquitted, and Mahmoud Mohammed Taha, who had been hanged in 1985. The law thus presented a very real threat to persons who wished to express their views. Could the delegation comment on that issue in general and in the light of comments reportedly made by the Minister of Justice, who had acknowledged that domestic law was not in line with the State's international obligations in that regard?

19. **Ms. Cleveland** said that she would be interested to hear how the courts interpreted article 27 (2) of the Criminal Code, which, for certain offences, appeared to allow the death penalty for persons under 18. Had death sentences ever been handed down to minors? She would also like to know exactly what offences attracted the death penalty, which, according to the Covenant, was meant to be reserved for only the most serious crimes. On another subject, could the delegation provide annual statistics on the number of legal abortions carried out in the country and an estimate of the number of unlawful abortions?

20. The State party was hosting one of the world's largest populations of refugees and asylum seekers and, according to the authorities, only 22 per cent of those people had been fully registered by 2015. She wished to know if any progress had been made in that regard since then. She also hoped to learn about plans to address the concerns expressed by Amnesty International and other bodies about the fact that the 2014 Asylum Act maintained the excessive restrictions on the freedom of movement of refugees and asylum seekers and did not include sufficient guarantees for persons wishing to challenge deportation orders. She was concerned, moreover, that although the Asylum Act set forth the principle of non-refoulement, the State party was apparently unable to substantiate its claim that no refugees

or asylum seekers had been expelled from the country, since, reportedly, persons were expelled without their situations having been individually assessed or without having had the opportunity to apply for asylum. More specifically, the Committee's attention had been drawn to various incidents between 2014 and 2017 in which Eritreans, some of them minors, had allegedly been forcibly deported without having been given the opportunity to apply for asylum. Concerns had also been raised regarding a 2016 memorandum of understanding on migration between the Sudan and Italy, which, it was feared, could result in mass removals without any prior individualized assessments having been made.

21. In the light of that information, she hoped the delegation could tell the Committee that steps were being taken to protect asylum seekers by upholding the principle of non-refoulement, undertaking individualized assessments of such persons' situations, identifying trafficking victims and providing access to judicial remedies and legal aid. She would also be interested to know what measures were in place to protect minors in such situations. In the face of reports that some foreign nationals were being arrested and charged with unlawful entry into the State party, could the delegation give assurances that criminal law provisions were not being inappropriately applied to migrants?

22. The Committee had received reports of the inappropriate use of force to conduct mass removals, in particular by the paramilitary Rapid Support Forces, which Human Rights Watch and other organizations had claimed were implicated in wide-ranging abuses. The Committee was still awaiting information on the 2017 case of 65 asylum seekers from Ethiopia and Eritrea who had allegedly received 40 lashes before being deported. She wished to know what efforts were being made to provide training to persons involved in dealing with migrants and refugees and to investigate cases of ill-treatment. Lastly, she hoped the delegation could comment on concerns about discriminatory practices that specifically targeted Eritrean migrants and on reports that Sudanese nationals returning from other States were sometimes interrogated and mistreated by the National Intelligence and Security Services.

23. The Committee had received reports that the National Council for Press and Publication and the National Intelligence and Security Services routinely violated the right to freedom of expression, assembly and association in order to prevent criticism of the Government. Concerns had also been raised about the control exercised by the President over the National Council for Press and Publication. She wondered what measures had been taken to ensure that the activities of the Council were consistent with article 19 of the Covenant and how many newspapers had been temporarily shut down by the Council, without a court order, during the period under review. She wished to know whether any journalists had been prosecuted under the 2009 Press and Publications Act for disseminating what was purportedly false news. She would also like the delegation to comment on reports that, in May 2018, the National Intelligence and Security Services had ordered the chief editors of various publications not to publish articles on certain issues.

24. A number of reports received by the Committee contradicted the State party's claim that newspapers were no longer being censored. For example, in June 2016, a sports newspaper had allegedly been ordered to suspend its activities indefinitely after it had accused the governor of Khartoum State of corruption. It would be helpful if the delegation could comment on the accuracy of those reports and explain the reasons for any newspaper closures or suspensions that had occurred during the reporting period. She would like to know the status of the proposed legislation that would allow national security agents to shut down media outlets for 15 days without giving a reason. The Committee had been informed that editions of several opposition and independent newspapers had been confiscated in January 2018. She would like to know why, in those cases, confiscation had been considered a strictly necessary and proportionate action that was consistent with article 19 of the Covenant. She would also appreciate a response to the earlier question regarding the banning of an Al-Jazeera reporter in 2016.

25. The Committee had received reports that human rights defenders had been prevented from travelling to Geneva for the universal periodic review of the Sudan and that various human rights defenders and political leaders had been subject to travel bans and had had their passports confiscated. The State party had indicated that travel bans could be imposed only if legal proceedings had been initiated against the person concerned. She

would like to know more about the nature of the legal proceedings that had been brought against the human rights defenders and political leaders in question, the remedies that were available to those people and the legal grounds for the confiscation of passports in such cases. Lastly, she would like to know how many civil society organizations had been denied the right to register with the authorities and on what grounds.

26. **Mr. de Frouville** said that the Working Group on Enforced or Involuntary Disappearances had planned to visit the Sudan in March 2018 but had been unable to do so. He wondered whether that visit would be rescheduled for the near future and whether the State party planned to adopt comprehensive legislation that defined enforced disappearance as a specific offence and provided for the establishment of a dedicated mechanism for shedding light on the outstanding cases that had been mentioned in the 2018 report of the Working Group (A/HRC/39/46).

The meeting was suspended at 11.35 a.m. and resumed at noon.

27. **Mr. Dugdug** (Sudan) said that any questions requiring the consultation of statistics or specific legal provisions would be answered in writing within 48 hours of the end of the dialogue. A memorandum regarding the possible amendment of article 27 of the Criminal Code, which provided for the penalties of stoning and crucifixion, had been submitted to the Cabinet, discussed and implemented. There had been no reports of human rights violations occurring in prisons. Prison guards were trained to handle prisoners in accordance with certain standards. Public prosecutors were entitled to inspect prisons and to take measures to improve the living conditions of prisoners. Likewise, judges were entitled to inspect prisons at any time, with or without prior notification. Temporary detention facilities were also subject to inspection. The conditions in prisons were monitored by lawyers, who could report any violations to a prosecutor or a judge. Al-Huda Correctional City was a very spacious, model prison that had been built in accordance with international standards. The inmates, who were treated with dignity and could participate in a range of activities, were placed in different sections of the prison depending on the severity of the offence for which they had been convicted.

28. Murder was punishable by the death penalty, life imprisonment or a shorter prison sentence, depending on the circumstances of the case. The offence of human trafficking aggravated by murder or rape was punishable by death; however, no death sentences had been handed down for that offence thus far. Human trafficking was a growing problem in the Sudan, which was a country of transit for many refugees from neighbouring countries. In order to address that problem, the Government had increased the penalties for human trafficking and had stepped up its international judicial cooperation activities. Law enforcement officers received training to help them to differentiate between people-smuggling, human trafficking and migration offences and to distinguish between victims and perpetrators in such cases. The Government was committed to ensuring that no act of human trafficking went unpunished, regardless of who the perpetrator was. A number of officials had been arrested and prosecuted in connection with such offences.

29. There were currently over 100 registered political parties. Those parties could conduct their activities freely, subject to the relevant legislation. To date, no political parties had been shut down. Law enforcement officers were receiving training on the use of force during demonstrations. The events of September 2013 were being investigated and some individuals had been prosecuted. Reparation and compensation committees had been established in a number of states.

30. Proceedings could be brought against the President and the first Vice-President before the Constitutional Court for high treason, grave violations of the Constitution or the unlawful conduct of State affairs. The decision to bring such proceedings was subject to the approval of at least 75 per cent of the members of the legislature. In such cases, conviction resulted in removal from office. In addition, any person who believed his or her rights to have been violated by the President or the Office of the President could file a complaint with the competent court.

31. The refugee situation remained challenging owing to problems in neighbouring countries that had resulted in mass migration. The Sudan was wholly committed to fulfilling its international obligations in respect of refugees. Assistance was provided by

international organizations, including the World Food Programme and the World Health Organization, both of which were allowed to operate in the Sudan without any restrictions. One of the main challenges faced by the Government was the need to identify and register refugees in order to be able to provide them with basic services. Many refugees had no access to education; in White Nile State, for example, out of 29,000 school-age refugees, only 6,000 were able to attend school. The Government was working round the clock to resolve such problems, which were partly a consequence of insufficient support from the international community. No refugees were denied access to the Sudan; however, in accordance with the Convention relating to the Status of Refugees, asylum was not granted to persons who had committed a human rights violation or breached international humanitarian law in their country of origin. In such cases, the Government took the view that voluntary return was the best solution.

32. **Ms. Abdelhalim Ahmed** (Sudan) said that victims of female genital mutilation could undergo reconstructive surgery at a special facility. The surgeons who worked there had received training in the United States of America. Reconstructive surgery of that kind was authorized under Sudanese law. Several communities had abandoned the practice of female genital mutilation as a result of awareness campaigns launched by the Government, such as the "Salima" campaign and the "Mercy and compassion" campaign, which called for the abandonment of female genital mutilation and other harmful practices, such as child marriage and domestic violence. The United Nations Population Fund (UNFPA) was providing technical and financial support for both campaigns, which were coordinated with the authorities, including the Ministry of Religious Affairs, and were aimed at young people, religious leaders and preachers, journalists and others working in the media. Studies showed that the rate of female genital mutilation among children aged between 0 and 14 years had fallen from 43 per cent in 2006 to 37 per cent in 2010 and 31 per cent in 2014.

33. An provision that would prohibit female genital mutilation was to be included in the Federal Criminal Code. It had been approved by the Council of Ministers in 2016 and was pending before the National Assembly, and it was hoped that it would be enacted before the end of 2018. Community-based campaigns were being pursued in 12 states to encourage the adoption of legislation to combat harmful practices, while the other 6 states had already done so.

34. The death penalty was never applied to persons under the age of 18, as that was prohibited by the 2010 Children's Act.

35. Abortion was legal if it was performed to preserve the health of the woman, if the pregnancy resulted from rape or if the fetus was dead in the womb. Such cases were subject to quarterly reporting by rural health centres and hospitals, and a consolidated annual report was issued at the federal level. Cases of illegal abortion only came to light when complications such as the death of the woman occurred. Such cases were reported to the Ministry of the Interior or the prosecution authorities, and annual figures were compiled from criminal reports. Judicial proceedings had been opened in three such cases in 2018.

36. The definition of "indecent attire" in the Criminal Code was currently under review, in consultation with civil society organizations and government authorities.

37. The Unit for Combating Violence against Women and Children acted as the coordinator at the federal level for peer units in 14 states and was working with United Nations agencies to establish units in the remaining four states. It was also working with the European Union on a declaration on the protection of women in emergency situations, including armed conflict.

38. **Mr. Eltahir** (Sudan) said that the country's juvenile courts focused on reforming and rehabilitating young offenders. Penalties ranged from returning them to the care of their parents to the most severe sentence, which was committal for 5 years to a juvenile detention centre. The general situation in Sudanese prisons was good, for instance, in terms of access to drinking water and sanitation, and the Government had been commended on conditions in Al-Huda prison, in particular. It was also working with the International Committee of the Red Cross (ICRC) on a number of issues related to prison conditions.

39. The incident in Kalma had been caused by armed rebel groups in the camp that had fired on people to prevent them from attending festivities outside the camp. The authorities had proof that internally displaced persons, even children, in areas under the control of rebel movements had been recruited as soldiers. The Rapid Support Forces were accused of abuses by rebel groups because they had been so effective in confiscating weapons and clamping down on human trafficking along the country's northern and eastern borders. If persons had complaints against members of the security forces who had been involved in controlling demonstrations, there were several institutions that they could appeal to by, for instance, directing their complaint to the information centre of the agency concerned — such centres existed throughout the country and were open around the clock. Persons with such grievances could also turn to the ordinary courts, the Constitutional Court or various mechanisms in both the executive and the legislative branches.

40. As concerned the specific cases mentioned by Mr. Heyns, the killings of Abubakar Hassan Mohamed Taha and of Mohamad Al-Sadiq in April 2016 had both occurred on university premises in the context of student disturbances. Regular security forces were not allowed to enter university campuses, which had their own security services. Criminal cases had been brought against a number of students, and investigations were ongoing. The events of September 2013, when 84 persons had died, had been investigated by a special committee and the Ministry of Justice. Compensation had been awarded in 81 cases and the remaining 3 were pending.

41. Administrative detention was considered to begin when a person was taken into police custody, which could last for 24 hours before the detainee was transferred to the authority of the prosecutor's office. That office was authorized to inspect all places of detention. Under the 2010 National Security Act, detainees could be held for a maximum of 1 month under the authority of the prosecutor, although, if more time was required to complete the investigation, that period could be extended by 15 days. In the specific cases of six extraordinarily serious offences, including armed robbery, political violence and espionage, a detainee could be held for up to 3 months for the purposes of the investigation on the authority of the National Security Council.

42. The Republican Party was not an officially registered political party, but had nevertheless been authorized to mark the death of its founder on 18 January. Any sanctions taken against newspapers must be imposed through judicial channels by the office of the public prosecutor; the security services played no role in that connection.

43. **Mr. Mustafa Ahmed** (Sudan) said that the judicial policy of refraining from applying the penalties of stoning and amputation could be interpreted as an undeclared moratorium on their use. In line with proposed amendments to the Criminal Code, flogging would soon be applicable as a penalty only for three *hudud* offences; it could not be applied to children as it was not allowed under the Children's Act.

44. The immunity of a public official must be lifted if the public prosecutor's office requested that it should be withdrawn and there was prima facie evidence of the commission of a crime, but such a decision could be appealed against. The President had immunity for both personal and official functions. Sudan was not a party to the Rome Statute of the International Criminal Court and questions relating to its provisions were not covered by the Covenant; in his Government's view, that issue therefore fell outside of the Committee's competence.

45. **Mr. Dugdug** (Sudan) said that the Sudan would honour its commitments and was coordinating the arrangements for the proposed visit of the Working Group on Enforced or Involuntary Disappearances.

46. **Mr. Ben Achour** said that it was his understanding that the National Security Council was an administrative rather than a judicial body, and he would therefore like to know what legal safeguards were in place for persons held in detention under its authority. He would also be interested to hear the reasoning behind the State party's criminalization of homosexuality.

47. **Mr. Heyns** said that he would welcome information on any amendments being considered in connection with the laws governing the offences that carried the mandatory

death penalty, which he understood to be murder, armed robbery, drug trafficking, adultery and apostasy. The fact that the punishments of crucifixion, stoning and amputation remained on the law books inevitably raised questions in people's minds; if they were in any case not applied in practice, the State might consider removing them. Although the Committee's mandate did not include the International Criminal Court, it did cover the right to life, under article 6, and the right to an effective remedy for violations, under article 2 (3).

48. **Mr. Politi** said that he would like to learn whether there had been any effective, independent investigation of the police and security officials responsible for the incidents involving excessive use of force that had occurred in West Darfur in January 2016 and in El Geneina, West Darfur, in January 2018. If so, had any of those persons been brought to trial? He would also like further information on the 2013 amendments to the Armed Forces Act that allowed civilians to be tried before military courts.

49. **Mr. Muhumuza** said that he would be grateful for a written response concerning the refugees from Darfur who had reportedly been detained in eastern Chad and then forced to agree to a supposedly voluntary return to Sudan. He would also like to see proof that persons in need in areas of conflict were being given the necessary humanitarian assistance.

50. **Mr. Dugdug** (Sudan) said that his delegation was grateful for the opportunity to appear before the Committee and had taken good note of the members' opinions and questions. Their suggestions would aid the Sudan in its efforts to protect and promote human rights. His Government was open to dialogue and welcomed visits from civil society and international organizations aimed at helping it to build up its capacity in the area of human rights. His delegation would provide further details in answer to the Committee's questions within 48 hours, as required.

The meeting rose at 1.10 p.m.